

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. CROIX**

KEVONGH J. GRANT

Plaintiff,

v.

APTIM ENVIRONMENTAL AND  
INFRASTRUCTURE, INC., WITT O'BRIEN'S, LLC,  
ODEBRECHT CONSTRUCTION, INC., NATHAN  
McCANN, ANDRES McCANN, JOHN DOES, JANE  
DOES AND UNKNOWN CORPORATIONS

Defendants.

**CIV. NO. 2019-CV-025**

**APTIM'S DISCOVERY MEMORANDUM PURSUANT TO LRCi 16.1**

Defendant, APTIM Environmental and Infrastructure, Inc. ("APTIM"), by and through its attorneys Dudley Newman Feuerzeig LLP submits this Discovery Memorandum pursuant to LRCi 16.1 and states as follows:

a) Statement of the facts:

Aptim has no independent knowledge or information related to the factual allegations in the complaint. Plaintiff alleges in the First Amended Complaint that Plaintiff was involved in a vehicle accident on St. Croix, Virgin Islands in the late night of November 1, 2018. Plaintiff alleges the tortfeasors in the accident are Nathan McCann and/or Andrew McCann (collectively, "McCanns"), who were allegedly employees of Aptim, and that they were operating a vehicle owned by Odebrecht Construction, Inc. ("OCI"). Aptim never employed the McCanns and will defend the case based on it not having any contractual or tort duties related to the plaintiff or the McCanns. Plaintiff alleges the McCanns caused him property damage, personal injury, lost income, mental anguish, and pain and suffering.

b) Description of discovery conducted to date:

Aptim has produced its Rule 26 Initial Disclosures and Aptim will issue its discovery to plaintiff and defendant shortly.

c) Discovery problems encountered to date:

No discovery problems have been encountered to date.

d) Party's expected discovery needs:

Aptim will propound interrogatories, request for production of documents and request for admissions on plaintiff. Aptim will also take the depositions of plaintiff, OBI's representatives, McCanns, and any other fact witnesses that are identified through the course of discovery.

e) Estimate of time to conduct discovery:

This is a fairly straight forward case and Aptim believes that the parties will need approximately eight (8) months to complete factual discovery including depositions.

f) ESI:

Aptim does not anticipate any issues with ESI disclosures as this case revolves around a purported car accident. Aptim respectfully requests leave to submit an appropriate application to the Court at such time should a ESI issue arise.

g) Privilege:

Aptim does not foresee and privilege or work product issues. Aptim respectfully requests leave to submit an appropriate application to the Court at such time should a privilege issue arise.

h) Experts:

Assuming that Aptim is not dismissed from the case as a result of having no

liability for the alleged actions of the McCanns, Aptim may require experts to review and opine on plaintiff's injuries and the economic losses claimed by plaintiff.

i) Limitations on discovery devices:

At this time, Aptim is not aware of any limitations that should be placed upon the use of discovery devices in this case beyond those limits set forth in the applicable provisions of the Federal Rules of Civil Procedure and the Local Rules of this Court. Should the need to limit discovery arise during the course of this case, Aptim respectfully requests leave to submit an appropriate application to the Court at such time.

j) Mediation:

Aptim is always open to mediation, but the parties will need to conduct discovery to establish any liability link between Aptim and plaintiff before mediation will be useful.

k) Proposed deadlines for Joinder, amendment, and mediation conference:

Aptim believes that these deadlines should be four (4) months from the date of the initial Rule 16 conference.

l) Trial:

Aptim estimates that a trial of this matter would take 2-3 days.

m) Other Issues:

Aptim is aware of none at this time.

n) Areas of disagreement

Aptim is aware of none at this time.

Respectfully submitted,

**DUDLEY NEWMAN FEUERZEIG LLP**

Dated: November 2, 2021

By: /s/Alex M. Moskowitz  
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*Attorneys for Aptim*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 2<sup>nd</sup> day of November, 2021, I electronically filed the foregoing “**DISCOVERY MEMORANDUM**” with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF):

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/s/ Alex M. Moskowitz